



# UNITED STATES PATENT AND TRADEMARK OFFICE

pw  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,742	07/11/2000	Masayoshi Okura	046601-5053	1505
9629	7590	01/15/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			PHAN, JAMES	
		ART UNIT		PAPER NUMBER
				2872

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/613,742	OKURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Phan	2872	<i>AW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) 5-8, 10 and 11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 9 and 12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/05/03 has been entered.

### ***Amendment Under 37 C.F.R. 1.116***

The amendment filed 2/4/03 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to amended claims 1-4, 9 and 12 have been considered but are moot in view of the following new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita et al.

In re claims 1, 9 and 12 Fujita et al discloses an image forming apparatus which comprises an optical scanning unit. The optical scanning unit including a rotary deflector having a driving motor. The driving motor includes a non-rotary section (114) located at the center of rotation of the driving motor and a rotary section (123) for rotating a polygon mirror (22). The deflector further includes a mass member (111) detachably

fixed to the non-rotary section (114), wherein a periphery of the mass member is larger than that of the non-rotary section. See Fig. 5; also, see Fig. 11.

In re claim 2 the non-rotary section (114) has been taken as a stationary shaft.

In re claim 3 this feature is inherently disclosed because the center portion of the mass member (111) is detachably fixed to the top portion of the non-rotary section (114). See Fig. 5 and Fig. 11.

In re claim 4 the mass (111) appears to be a plate-like member and is symmetrical about the center of gravity. See Fig. 5; also, see Fig. 11.

Claims 1-4, 9 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Itoh et al.

In re claims 1, 9 and 12 Itoh et al discloses an image forming apparatus which comprises an optical scanning unit (see Fig. 1). The optical scanning unit including a rotary deflector (101) having a driving motor (13). The driving motor includes a non-rotary section (102) located at the center of rotation of the driving motor and a rotary section (107) for rotating a polygon mirror (116). The deflector further includes a mass member (118) detachably fixed to the non-rotary section (102), wherein a periphery of the mass member is larger than that of the non-rotary section (see Fig. 2).

In re claim 2 the non-rotary section (102) has been taken as a stationary shaft.

In re claim 3 this feature is inherently disclosed because the center portion of the mass member (118) is detachably fixed to the top portion of the non-rotary section (102). See Fig. 2.

In re claim 4 the mass (118) appears to be a plate-like member and is symmetrical about the center of gravity. See Fig. 2.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Phan, J.  
Jan. 6, 2004



James Phan  
Primary Examiner